

AN ORDINANCE **9 8 0 2 9**

AUTHORIZING A LICENSE AGREEMENT FOR A TEN (10) YEAR TERM BETWEEN THE CITY OF SAN ANTONIO AND AVANCE, INC., A TEXAS NON-PROFIT CORPORATION, TO USE PUBLIC RIGHT OF WAY ON AND OVER SIDEWALKS ADJACENT TO MEDINA AND HOUSTON STREETS AT THE HEIMANN BUILDING LOCATED AT 118 N. MEDINA STREET FOR THE CONSTRUCTION OF TWO (2) BALCONIES WITHIN NCB 264 AS PART OF THE RENOVATION OF THIS HISTORIC FACILITY, FOR THE TOTAL CONSIDERATION OF \$3,754.00, WHICH INCLUDES A FIFTY PERCENT (50%) REDUCTION OF THE LICENSE FEE AS PROVIDED BY THE DEVELOPMENT INCENTIVE TOOLKIT, PASSED AND APPROVED ON MAY 29, 2003.

* * * * *

WHEREAS, AVANCE, Inc., a Texas non-profit corporation, as Petitioner, is planning to renovate the historic building known as the Heimann Building located at 118 N. Medina Street in the vicinity of Cattleman's Square which will serve as National Headquarters for AVANCE Family Support and Education Programs; and

WHEREAS, the City is agreeable to granting a ten-year License Agreement to AVANCE for the purpose of using Public Right of Way on and over sidewalks adjacent to Medina and Houston Streets for the construction of two balconies as part of the renovation within New City Block 264 for a license fee of \$3,754.00; and

WHEREAS, Petitioner's request has been circulated through all interested City departments and utility agencies involved and Petitioner has agreed to the conditions and/or restrictions imposed by City Public Service through a letter agreement dated July 16, 2003; and

WHEREAS, this action is consistent with the City of San Antonio Code and Ordinances which require City Council approval for any private use of property owned or controlled by the City; **NOW THEREFORE**;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. A License Agreement is hereby authorized with AVANCE, Inc., a Texas Non-profit Corporation, as Licensee, for a term of ten (10) years to use Public Right of Way on and over sidewalks adjacent to Medina and Houston Streets for construction of two balconies as part of the renovation of the Heimann Building at 118 N. Medina Street within New City Block 264 for a License Fee of \$3,754.00, which includes a fifty percent (50%) reduction of the Fee as provided by the Development Incentive Toolkit, passed and approved on May 29, 2003.

SECTION 2. The City Manager, or her designee, is hereby authorized to execute said License Agreement, a copy of which, executed on behalf of AVANCE, Inc., is affixed hereto as **Attachment I** and incorporated herein verbatim for all purposes.

SECTION 3. The grant of the License is contingent on Licensee's compliance with the conditions and/or restrictions set forth in a letter agreement, a copy of which is attached hereto as **Attachment II** and incorporated herein verbatim for all purposes.

SECTION 4. The License Fee shall be deposited in Fund No. 11-0000 entitled "General Fund," Index Code 012732 entitled "License Agreement – Use of ROW."

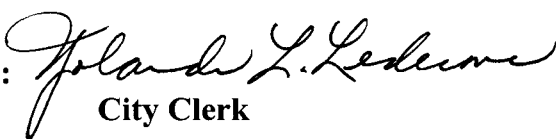
SECTION 5. The Director of Finance may, subject to concurrence by the City Manager or the City Manager's designee, correct allocation to specific Index Codes and Fund Number as necessary to carry out the purpose of this Ordinance.

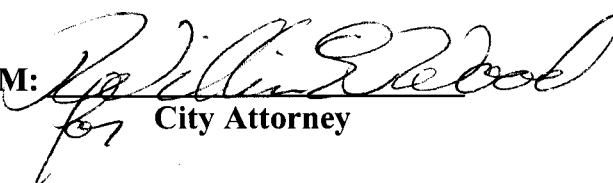
SECTION 6. This ordinance shall take effect on the 31st day of August 2003.

PASSED AND APPROVED this 21st day of August, 2003.



M A Y O R
EDWARD D. GARZA

ATTEST: 
City Clerk

APPROVED AS TO FORM: 
for City Attorney